IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.MC.No. 3041 of 2007()

CC.86/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA
CRIME NO.85/05 OF PARASSALA POLICE STATION

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PETITIONER: ACCUSED

VINOD KUMAR.V., S/O.VIJAYAN,
CHARUVILAKOM LEKSHOM VEEDU, MANCHAVILAKOM,
KOLLAYIL VILLAGE, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: STATE & DE FACTO COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. NISHANTH, S/O MURUGAN,
CHARUVILAKOM MANALI VAYAL THALAIKAL VEEDU,
MANCHAVILAKOM, MEKOLLA, KOLLAYIL VILLAGE,
NEYYATTINKARA.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/11/2007, ALONG WITH CRMC NO.3048 OF 2007, CRMC NO. 3049 OF 2007 CRMC NO. 3042 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. Nos.3041, 3048
& 3049 Of 2007

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Dated this the 3rd day of October, 2007

ORDER

These Crl.M.Cs. are filed by the same petitioner- one Mr.Vinod Kumar. He faces indictment in three cases pending before the Judicial First Class Magistrate Court-II Neyyatinkara. That is C.C.No.61/2006, 62 of 2006 and 86 of 2006. According to him, the substantive sentence alleged is all compoundable. The de facto complainant had compounded the substantive offence. Some of the other offences are not compoundable. The petitioner has now secured employment in CRPF. Continuation of this prosecution virtually affects the petitioner's opportunity to secure such employment. In these circumstances the petitioner has come to this court with a prayer for expeditious disposal of the cases against the petitioner to facilitate his opportunity to secure an employment in the CRPF.

2. I have heard the learned counsel for the petitioner. I have perused the records. I reckoned the plight of the petitioner as one deserves a sympathy and compassion . It is for the petitioner to move before the learned Magistrate and seek early disposal of these cases. I am of the opinion that the learned Magistrate must take up these

cases out of turn and dispose them of. The petitioner shall certainly be given an opportunity to contend that the compoundable offences have been compounded and that no charges are liable to be framed and particulars of offence of such non compoundable cases need not be read over to me at all. He can seek discharge under Section 239 Cr.P.C of dropping of proceedings under Section 251 Cr.P.C. as the case may be . When the charges will have to be framed, the learned Magistrate must ensure that the cases are taken out of turn and disposed of the case expeditiously.

3. Call for a report from the learned Magistrate about the stage of these cases and what time will be necessary for the learned Magistrate to dispose of these cases. The report must reach on or before 31.10.07. Call on 1.11.07. I make it clear that I expect the learned Magistrate to dispose of these cases by then and report to this Court.

(R.BASANT, JUDGE)

sj